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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,267	10/31/2003	Daniel P.H. Wu	14016 B	2042

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EXAMINER

WALTERS, JOHN DANIEL

ART UNIT PAPER NUMBER

3618

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,267

Applicant(s)

WU, DANIEL P.H.

Examiner

John D. Walters

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claims 1 – 4 have been examined.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- Section headings should appear in upper case without underlining or bold type.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 4 includes a wheel bracket that is "crank-like configured" (line 3). This statement is vague and indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie et al. (6,070,898). Dickie et al. discloses a suspension system for a wheelchair comprising:

- A frame (Fig. 1, item 10), a pair of driver wheel brackets (Fig. 12, item 60), four pedestal assemblies (Figs. 3, 4, and 5), a pair of castor brackets (Fig. 2, item 56), and a pair of anti-tipping brackets (Fig. 2, item 58);
- wherein the frame is rectangular shaped with symmetrically placed apertures located between the front and rear end (Fig. 1);
- wherein the driver wheel brackets are provided with a motor and drive shaft (Fig. 2, item 68), which is secured to the frame (Figs. 6 and 7);
- wherein the pedestal assemblies are disposed at both sides of the front and rear of the frame (Fig. 2);
- wherein the castor brackets provide a castor secured to a strut at the front end (Fig. 3, item 82), a rod at the rear end which is received in the pedestal assemblies (Fig. 3, item 72);
- wherein the anti-tipping brackets provide an anti-tipping wheel at the front end (Fig. 3, item 82), and a rod at the rear end which is received into the pedestal assemblies (Fig. 3, item 72);
- pedestal assemblies (Fig. 3) consisting of a tube and a plurality of cushion blocks, wherein the tubes are disposed at the front and rear of the frame (Fig. 2, items 56 and 58), wherein the cushion blocks are define a symmetric space

inside the corresponding tube (Figs. 4 and 5), and wherein every rod has threaded hole in the end with a covering member fixed in the threaded hole (Fig. 3, item 86);

- wherein the cushioning blocks and rods define a symmetrically square space (Figs. 4 and 5);
- wherein the driver wheel bracket is "crank-like configured" (Fig. 7).

However, Dickie et al. disclose a linkage between the driver wheel brackets and the castor brackets that is slightly different than the one disclosed by the applicant. While the applicant makes use of a roller held captive in a slotted hole within a set of plates that are bolted to the driver wheel and castor brackets, Dickie et al. makes use of a roller mechanism (Fig. 7, item 132) affixed to the end of the driver wheel bracket which moves along a ramp (Fig. 7, item 100) located on the castor bracket. These two connection mechanisms are equivalent in function and similar in physical construction. Both make use of a roller moving between the two members in order to keep the seat portion of the wheel chair oriented parallel to the ground. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make use of either of these structures to link the movement of the driver wheel bracket and castor bracket. It is a design choice to use one over the other.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furukawa (6,135,222 A) and Schaffner et al. (6,199,647 B1)

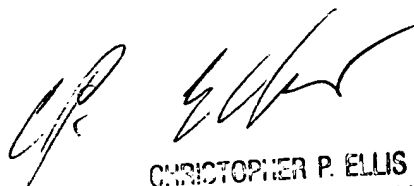
disclose other powered wheel chair suspension systems and Henschen (RE28,259 E) discloses an elastic joint bearing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters
Examiner
Art Unit 3618



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